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Attorneys for Petitioners,
INTERDIGITAL COMMUNICATIONS CORPORATION AND
INTERDIGITAL TECHNOLOGY CORPORATION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In the Matter of Arbitration between
INTERDIGITAL COMMUNICATIONS
CORPORATION, a Pennsylvania corporation
and INTERDIGITAL TECHNOLOGY
CORPORATION, a Delaware Corporation,

Petitioners,

and

SAMSUNG ELECTRONICS CO., LTD., a
corporation existing under the laws of the
Republic of Korea,

Respondent.

Case No. 1:06-CV-6833 (KMK)
ECF CASE

**DECLARATION OF SAMMI MALEK IN
SUPPORT OF PETITION FOR ORDER
CONFIRMING ARBITRATION AWARD
AND IN OPPOSITION TO SAMSUNG'S
CROSS-PETITION TO VACATE**

I, Sammi Malek, declare as follows:

1. I, the undersigned, am an attorney with the law firm of Wilson Sonsini Goodrich & Rosati, P.C., counsel of record for petitioners InterDigital Communications Corporation and InterDigital Technology Corporation (collectively, "InterDigital"). I am an active, licensed member of the State Bar of New York.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Final Award issued in the *Samsung II* Arbitration.

3. Attached hereto as Exhibit 2 is a true and correct copy of the September 24, 2002 Hearing Transcript from the *Samsung I* Arbitration.

4. Attached hereto as Exhibit 3 is a true and correct copy of the Declaration of William J. Merritt from the *Samsung II* Arbitration.

5. Attached hereto as Exhibit 4 is a true and correct copy of the TDMA Patent License Agreement between InterDigital Technology Corporation and Samsung Electronics Co. Ltd.

6. Attached hereto as Exhibit 5 is a true and correct copy of the Master Agreement between InterDigital Communications Corporation, InterDigital Technology Corporation and Samsung Electronics, Co., Ltd.

7. Attached hereto as Exhibit 6 is a true and correct copy of the Patent License Agreement between InterDigital Communications Corporation, InterDigital Technology Corporation and Nokia Corporation.

8. Attached hereto as Exhibit 7 is a true and correct copy of the Master Agreement between InterDigital Communications Corporation, InterDigital Technology Corporation and Nokia Corporation.

9. Attached hereto as Exhibit 8 is a true and correct copy of Final Award issued in the *Samsung I* Arbitration.

10. Attached hereto as Exhibit 9 is a true and correct copy of Samsung's Answer from the *Samsung I* Arbitration.

11. Attached hereto as Exhibit 10 is a true and correct copy of the Second Declaration of Charles R. Donohoe from the *Samsung I* arbitration.

12. Attached hereto as Exhibit 11 is a true and correct copy of Final Award issued in the *Nokia* Arbitration.

13. Attached hereto as Exhibit 12 is a true and correct copy of Samsung's Request for Arbitration dated November 24, 2003.

14. Attached hereto as Exhibit 13 is a true and correct copy of the Settlement Agreements between Nokia Corporation and InterDigital Communications Corporation and InterDigital Technology Corporation.

15. Attached hereto as Exhibit 14 is a true and correct copy of the May 1, 2006 letter from Mark Flanagan to the Tribunal.

16. Attached hereto as Exhibit 15 is a true and correct copy of the June 1, 2006 letter from Ron Shulman to the Tribunal.

17. Attached hereto as Exhibit 16 is a true and correct copy of the June 12, 2006 letter from David Healey to the Tribunal.

18. Attached hereto as Exhibit 17 is a true and correct copy of the June 14, 2006 letter from Ron Shulman to the Tribunal.

19. Attached hereto as Exhibit 18 is a true and correct copy of the June 15, 2006 letter from Henry King to David Healey and Ron Shulman.

20. Attached hereto as Exhibit 19 is a true and correct copy of the June 15, 2006 email from David Healey to Henry King.

21. Attached hereto as Exhibit 20 is a true and correct copy of the June 30, 2006 letter from David Healey to Jane Schultz.

22. Attached hereto as Exhibit 21 is a true and correct copy of the September 11, 2006 letter from David Healey to Jane. Schultz.

23. Attached hereto as Exhibit 22 is a true and correct copy of the case *Bendel Feed & Flour Mill, Ltd., v. Seaboard Corp.*, No. 99 Civ. 4054, 2000 WL 1051870 (S.D.N.Y. July 28,

2000).

24. Attached hereto as Exhibit 23 is a true and correct copy of Samsung's Response to Respondents' Objection to Arbitrator Alan Naftalin.

25. Attached hereto as Exhibit 24 is a true and correct copy of Samsung's Pre-Hearing Memorial from the *Samsung II* arbitration.

26. Attached hereto as Exhibit 25 is a true and correct copy of the Patent License Agreement between InterDigital Technology Corporation and Sony Ericsson Mobile Communications AB.

27. Attached hereto as Exhibit 26 is a true and correct copy of excerpts from the *Nokia* Arbitration hearing.

28. Attached hereto as Exhibit 27 is a true and correct copy of the Expert Witness Statement of Dr. Jonathan Putnam from the *Nokia* Arbitration.

29. Attached hereto as Exhibit 28 is a true and correct copy of the case *Consol. Rail Corp. v. Metro. Transp. Auth.*, No. 95 Civ. 2142, 1996 WL 137587 (S.D.N.Y. Mar. 22, 1996).

30. Attached hereto as Exhibit 29 is a true and correct copy of the Expert Witness Statement of David Kennedy from the *Nokia* Arbitration.

31. Attached hereto as Exhibit 30 is a true and correct copy of the Expert Rebuttal Witness Statement of Dr. Jonathan D. Putnam from the *Nokia* Arbitration.

32. Attached hereto as Exhibit 31 is a true and correct copy of the Expert Witness Statement of Professor Jerry A. Hausman from the *Samsung II* Arbitration.

33. Attached hereto as Exhibit 32 is a true and correct copy of the Supplemental Expert Witness Statement of Professor Jerry A. Hausman from the *Samsung II* Arbitration.

34. Attached hereto as Exhibit 33 is a true and correct copy of the Rebuttal Expert Witness Statement of Professor Jerry A. Hausman from the *Samsung II* Arbitration.

35. Attached hereto as Exhibit 34 is a true and correct copy of the Expert Witness Statement of Jonathan Putnam from the *Samsung II* Arbitration.

36. Attached hereto as Exhibit 35 is a true and correct copy of the Addendum to the Expert Witness Statement of Jonathan Putnam from the *Samsung II* Arbitration.

37. Attached hereto as Exhibit 36 is a true and correct copy of the Supplemental Expert Witness Statement of Jonathan Putnam from the *Samsung II* Arbitration.

38. Attached hereto as Exhibit 37 is a true and correct copy of the *Samsung II* Arbitration Transcript.

39. Attached hereto as Exhibit 38 is a true and correct copy of the June 14, 2006 letter from Ron Shulman to the Tribunal on behalf of both parties.

40. Attached hereto as Exhibit 39 is a true and correct copy of the May 10, 2006 letter from David Healey to the Tribunal.

41. Attached hereto as Exhibit 40 is a true and correct copy of the May 11, 2006 letter from Henry King to David Healey, Mark Flanagan and Ron Shulman.

42. Attached hereto as Exhibit 41 is a true and correct copy of an incorrectly dated “May 16, 2006” letter from David Healey to the Tribunal in reply to the Tribunal’s May 11, 2006 letter. As indicated in the May 19, 2006 cover e-mail from Khoa Nguyen, this letter was submitted to the Tribunal on May 19, 2006.

43. Attached hereto as Exhibit 42 is a true and correct copy of the May 19, 2006 letter from Mark Flanagan to the Tribunal.

44. Attached hereto as Exhibit 43 is a true and correct copy of the May 23, 2006 letter from David Healey to the Tribunal.

45. Attached hereto as Exhibit 44 is a true and correct copy of the May 24, 2006 letter from the Tribunal to David Healey and Ron Shulman.

46. Attached hereto as Exhibit 45 is a true and correct copy of the David Healey email of June 14, 2006.

47. Attached hereto as Exhibit 46 is a true and correct copy of the case *United Food and Commercial Workers, Union Local No. 655 v. St. Johns Mercy Health System*, No. 4:04 CV 480 CDP, 2005 WL 2333922 (E.D. Mo. Sept. 22, 2005).

48. Attached hereto as Exhibit 47 is a true and correct copy of the case *American Nursing Home v. Local 144 Hotel, Hosp., Nursing Home and Allied Services Union SEIU, AFL-CIO*, No. 89 Civ. 1704, 1992 WL 47553 (S.D.N.Y. Mar. 4, 1992)

49. Attached hereto as Exhibit 48 is a true and correct copy of the case *Bennington Iron Works, Inc. v. J.P. Constr. Co.*, No. CIV. A. 94-11035-GAO, 1996 WL 208494 (D. Mass. Mar. 6, 1996).

50. Attached hereto as Exhibit 49 is a true and correct copy of the October 12, 2006, email from Hosik Jang to Bill J. Merritt and the attachment thereto.

51. Attached hereto as Exhibit 50 is a true and correct copy of the case *Ukrvneshprom State Foreign Econ. Enter. v. Tradeway, Inc.*, No. 95 CIV. 10278 (RPP), 1996 WL 107285 (S.D.N.Y. Mar. 12, 1996).

52. Attached hereto as Exhibit 51 is a true and correct copy of the Rules of Arbitration of the International Chamber of Commerce.

53. Attached hereto as exhibit 52 is a true and correct copy of a Proposed Judgment.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 27, 2006 in New York, New York.

_____/s/ Sammi Malek____

Sammi Malek